

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Monica Johnson, Me’Kia Mouling, G.K. by next friend Monica Johnson, Clifford Jones, Brandolyn Jones, Praiyer Jones, and A.J., by next friends Clifford and Brandolyn Jones

Plaintiffs,

V.

Darryl Henson, Marlin Independent School District, and John Simmons,

Defendants.

6:24-CV-00108-ADA-JCM

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske (ECF No. 18). The report recommends Defendant's Motion to Dismiss (ECF No. 12) be **GRANTED-IN-PART** and **DENIED-IN-PART**. The report and recommendation was filed on July 1, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).


Defendant filed objections on July 15, 2024 (ECF No. 19). The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 18, is **ADOPTED**.

THEREFORE, IT IS ORDERED that summary judgment for plaintiffs' state law tort claims and state law ultra vires claims be **GRANTED**, and those claims be **DISMISSED**.

IT IS THEREFORE FURTHER ORDERED that the Motion for Summary Judgment as it applies to Section 1983, Section 1985, Section 504 of the Rehabilitation Act, and punitive damages, is **DENIED**.

SIGNED this 17th day of September, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE